

## REMARKS

In response to the Office Action mailed December 11, 2006, Applicants respectfully request reconsideration of the Application in view of the foregoing Amendments and the following Remarks submitted as an RCE. The claims as now presented are believed to be in allowable condition.

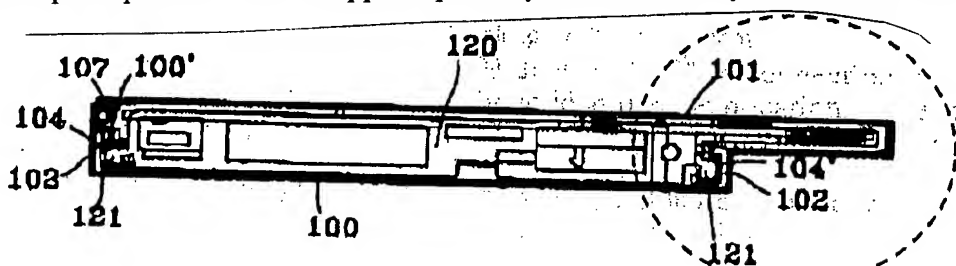
Claim 1 has been amended to include all of the limitations of former claim 6. Claim 6 has been canceled. Claims 10-14 have been canceled. Claims 1-5 and 7-9 remain in this application, of which claim 1 is an independent claim. Claims 15 and 16 have been newly added to depend from claim 1.

### Rejection of Claims 1-3 and 7-14 under 35 U.S.C. §102(b)

Claims 1-3 and 7-14 are rejected under 35 U.S.C. §102(b) as being anticipated by Korean Patent Application No. 1020000025857 to Lee (hereafter referred to as "Lee"). Applicants respectfully traverse this rejection. Claims 10-14 have been canceled.

Claim 1 has been amended to recite all of the limitations of former claim 6 with the lower case including a first region in which the tray is slid, and also including a second region, extended sideways from the first region, and on which the loading motor is disposed.

The Examiner cites the plate 100 in the top view at FIG. 14 (page 20-15) of Lee as the "second region extended sideways". However, FIGS. 6, 7, and 9 of Lee show the cross-sectional views of such a plate portion that is *stepped upwardly* as indicated by the dotted circle below:



Rather the second portion 100 in Lee is formed as a “push preventing *plate*” as stated in the Abstract of Lee:

....A push preventing *plate* is installed to the front end side of the guide rail in which the rack gear is formed. The tray is *projected* and formed to the push preventing in a direction....(Emphasis Added.)

Thus, Lee does not disclose and especially would not suggest nor motivate forming the loading motor within such a narrow spaced plate portion 100 that is stepped upwardly. In contrast, the cross sectional view of FIG. 5 of the Present Application shows the wide second region 113 holding the loading motor 170 *without being stepped upwardly*.

In addition, please note that all other cited prior art references also show side portions that are stepped upwardly. For example, U.S. Patent No. 6,151,284 to Watanabe et al. (hereafter referred to as “Watanabe”), as cited by the Examiner, shows in FIGS. 1, 2, 3, 5, and especially FIG. 7 therein, the side portion 151c-3 that is stepped upwardly to create a space 152 there-under.

In fact, col. 5, lines 1-9 of Watanabe in describing FIG. 7 therein states:

The chassis 141 includes a lowered hollow portion 152 which is formed by the *stepped* side wall 151c. The lowered *hollow portion 152* of the chassis 141 is formed to arrange *electrical parts* of the personal computer when the CD-ROM disk device 140 is installed into the casing of the personal computer. The guide rail 148 and the guide rail 149, which movably support the moving unit 141, are arranged onto the insides of the side wall 151b and the first wall portion 151c-1, respectively. (Emphasis Added.)

Thus, the side portion in prior art disk drives such as in Lee and Watanabe are formed to be stepped upwardly for providing a narrow push preventing plate or for forming the hollow portion underneath for carrying the other electrical components or wirings of the personal

computer. Moving the loading motor to the region 100 in Lee or Watanabe would require a change of such a region to be wider than a narrow plate region which would inhibit forming the hollow portion for carrying other electrical components or wirings of the personal computer. Thus, modification in Lee or Watanabe would hamper or modify the operation of the disc drive or the computer system having the disc drive as described therein. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Anticipation of a claimed invention requires the presence in a single prior art document of *each and every* element of the properly construed claim. The Federal Circuit has set out the following requirements for anticipation pursuant to 35 U.S.C. §102:

...that a patent claim is anticipated under 35 U.S.C. §102 “must demonstrate, among other things, identity of invention.”...[O]ne who seeks such a finding must show that each element of the claim in issue is found, either expressly or under principles of inherency, in a single prior art reference, or that the claimed invention was previously known or embodied in a single prior art device or practice.  
Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 1565 (Fed. Cir. 1992).

Because Lee does not disclose, teach, or suggest all of the limitations of amended claim 1, the rejection of claim 1 under 35 U.S.C. §102(b) in view of Lee should be withdrawn.

In addition, Lee shows a narrow plate region for the side portion 100 with the cross-sectional views of FIGS. 6, 7, and 9 showing a narrow region 100 that is stepped upwardly. Thus, Lee does not in any way suggest or motivate placing the loading motor in such a narrow plate region 100. Such a narrow plate region of Lee that is stepped upwardly would *teach away* from placing any loading motor therein.

Claims 2-3 and 7-9, which depend from and further limit claim 1, are allowable for at least the same reasons that claim 1 is allowable as stated above.

Claims 10-14 have been canceled.

**Rejection of Claims 4-6 under 35 U.S.C. §103(a)**

Claims 4-6 are rejected under 35 U.S.C. §103(a).

Claims 4-5, which depend from and further limit claim 1, are allowable for at least the same reasons that claim 1 is allowable as stated above.

Claim 6 has been rejected.

**Newly Added Claims 15 and 16**

Newly added claims 15 and 16, which depend from and further limit claim 1, are allowable for at least the same reasons that claim 1 is allowable as stated above.

In addition, note that claim 15 recites that the second region of the lower case for holding the loading motor is not stepped upwardly. Furthermore, claim 16 recites that the second region of the lower case is not stepped upwardly for additionally holding a plurality of gears driven by the loading motor.

As described and illustrated in the remarks above for claim 1, Lee and the other cited prior art references illustrate regions to the side of the sliding tray that are stepped upwardly in complete contrast to the present invention as recited in claims 15 and 16.

Thus, claims 15 and 16 are believed to be patentable over the cited prior art references.

### Conclusions

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,  
for the Applicant(s)

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### CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing AMENDMENT AND RESPONSE AS SUBMISSION FOR RCE is being deposited in the United States Postal Service, as first class mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of April, 2007.

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